

---

---

# HOUSE BILL No. 2017

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-3.5-6-17.

**Synopsis:** County option income tax distribution. Establishes standards for determining the amount of county option income tax (COIT) revenue that the department of state revenue will distribute to a county during a year. Allows a county income tax council to seek administrative and judicial review of a distribution certification.

**Effective:** Upon passage.

---

---

## Scholer, Welch

---

---

January 17, 2001, read first time and referred to Committee on Ways and Means.

---

---

C  
o  
p  
y



Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 2017

---

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 6-3.5-6-17 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Revenue  
3 derived from the imposition of the county option income tax shall, in  
4 the manner prescribed by this section, be distributed to the county that  
5 imposed it. The amount that is to be distributed to a county during an  
6 ensuing calendar year equals the amount of county option income tax  
7 revenue that the department, after reviewing the recommendation of the  
8 ~~state~~ budget agency, estimates will be received from that county during  
9 the twelve (12) month period beginning July 1 of the immediately  
10 preceding calendar year and ending June 30 of the ensuing calendar  
11 year.

12 (b) Before June 16 of each calendar year, the department, after  
13 reviewing the recommendation of the ~~state~~ budget agency, shall  
14 estimate and certify to the county auditor of each adopting county the  
15 amount of county option income tax revenue that will be collected from  
16 that county during the twelve (12) month period beginning July 1 of  
17 that calendar year and ending June 30 of the immediately succeeding

2001

IN 2017—LS 6887/DI 103+



C  
o  
p  
y

calendar year **under IC 4-21.5-3-4**. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified may be adjusted under subsection (c) or (d).

(c) The department may certify to an adopting county an amount that is greater than the estimated twelve (12) month revenue collection if the department, after reviewing the recommendation of the ~~state~~ budget agency, determines that there will be a greater amount of revenue available for distribution from the county's account established under section 16 of this chapter.

(d) The department may certify an amount less than the estimated twelve (12) month revenue collection if the department, after reviewing the recommendation of the ~~state~~ budget agency, determines that a part of those collections needs to be distributed during the current calendar year so that the county will receive its full certified distribution for the current calendar year.

(e) One-twelfth (1/12) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 16 of this chapter to the appropriate county treasurer on the first day of each month of that calendar year.

(f) Upon receipt, each monthly payment of a county's certified distribution shall be allocated among, distributed to, and used by the civil taxing units of the county as provided in sections 18 and 19 of this chapter.

(g) All distributions from an account established under section 16 of this chapter shall be made by warrants issued by the auditor of state to the treasurer of ~~the~~ state ordering the appropriate payments.

**(h) The budget agency, in making the recommendations required under this section, shall consider the following:**

**(1) The amount of money collected by the county under this chapter in previous years.**

**(2) The increase or decrease in the tax rate of the county from previous years.**

**(3) The historic increase or decrease in the collections for the county in previous years.**

**(4) Any other factors necessary to accurately estimate the revenue to be distributed to the county under this chapter in the ensuing year.**

**Copies of work papers or calculations used by the budget agency in the preparation of the recommendation to the department shall be available, upon request, to any unit that is a member of the county income tax council for the county affected by a**

C  
o  
p  
y



1 recommendation.

2 (i) A distribution certified under this section must be based on  
3 the criteria set forth in subsection (h). The amount of the certified  
4 distribution for a county is final unless the county income tax  
5 council seeks administrative review of the certification under  
6 IC 4-21.5-3-7. The budget director shall act as the ultimate  
7 authority under IC 4-21.5-3. The department shall implement the  
8 final determination of the budget director. The county income tax  
9 council may obtain judicial review of a final determination of the  
10 budget director under IC 4-21.5-5.

11 (j) In a proceeding under subsection (i), the amount of the  
12 certified distribution shall be modified upon proof that the amount  
13 of the certified distribution is substantially understated.

14 SECTION 2. An emergency is declared for this act.

C  
o  
p  
y

